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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,292	09/26/2003	Hisao M. Chang	1033-T00537	8322
34456	7590	02/09/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			ESCALANTE, OVIDIO	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/672,292

**Applicant(s)**

CHANG, HISAO M.

**Examiner**

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement submitted on September 26, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

### ***Specification***

2. The disclosure is objected to because of the following informalities: there is no brief summary of the invention or brief description of the drawings. Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

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- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 8. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8,10-12,15-22,26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Dhir et al. US Patent 6,553,113.

***Regarding claim 1***, Dhir teaches a call routing system (abstract) comprising:

a voice converted data module having an input to receive an incoming call, (col. 4, lines 48-65; fig. 1);

an interactive voice response dialog module responsive to the voice converted data module, (col. 5, lines 51-col. 6, line 3; col. 7, lines 52-67; fig. 1); and

a call routing module responsive to the voice converted data module to route the incoming call to a destination, (col. 8, lines 1-15; fig. 1).

***Regarding claim 2***, Dhir, as applied to claim 1, teaches an application server (administrative controller system 115) coupled to the voice converted data module, the

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interactive voice response dialog module, and the call routing module, the application server having access to a business logic database, (call router database 105), (col. 5, lines 31-39).

**Regarding claim 3**, Dhir, as applied to claim 2, teaches destination rules stored in an interactive voice response database, the destination rules accessible by the routing engine, (col. 8, lines 1-15).

**Regarding claim 4**, Dhir, as applied to claim 2, teaches wherein the business logic database includes call treatment rules based upon at least one of a customer type, time of day, type of service, type of call, size of customer, and personalized caller information, (col. 7, lines 15-33; col. 8, lines 1-15).

**Regarding claim 5**, Dhir, as applied to claim 4, teaches wherein the call routing module routes calls using a routing priority based upon the call treatment rules, (col. 8, lines 1-15).

**Regarding claim 6**, Dhir, as applied to claim 2, teaches wherein the business logic database includes call treatment rules that are customized for a single enterprise, (col. 8, lines 1-15).

**Regarding claim 7**, Dhir, as applied to claim 2, teaches a distributed computer network interface to the call routing module, (fig. 1; col. 4, lines 40-48).

**Regarding claim 8**, Dhir, as applied to claim 7, teaches wherein the distributed computer network interface provides access to a customer database, (fig. 1).

**Regarding claim 10**, Dhir, as applied to claim 1, teaches a personalized call queue for temporarily holding calls to be routed, (abstract; fig. 5; col. 10, lines 19-34).

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**Regarding claim 11**, Dhir, as applied to claim 10, teaches an audio library stored in a computer memory, at least one audio recording from the audio library available to be played to callers in the personalized call queue, (col. 9, line 59-col. 10, line 16).

**Regarding claim 12**, Dhir, as applied to claim 1, teaches a plurality of automated call response destinations, (col. 11, line 62-col. 12, line 18).

**Regarding claim 15**, Dhir, as applied to claim 1, teaches wherein the voice converted data module is responsive to a directory number rule table stored in a computer memory, (col. 5, lines 51-67; col. 7, lines 52-67).

**Regarding claim 16**, Dhir, as applied to claim 15, teaches wherein the directory number rule table includes validated directory numbers that may be used to validate incoming calls, (col. 5, lines 51-67; col. 7, lines 52-67).

**Regarding claim 17**, Dhir, as applied to claim 1, teaches comprising a computer telephony interface responsive to the interactive voice response dialog module, (col. 6, lines 12-23).

**Regarding claim 18**, Dhir, as applied to claim 17, teaches wherein the computer telephony interface is coupled to a call center agent terminal, (col. 8, lines 40-58).

**Regarding claim 19**, Dhir, as applied to claim 18, teaches wherein a screen display is launched at the call center agent terminal based on a command from the computer telephony interface, (col. 8, lines 53-58).

**Regarding claim 20**, Dhir, as applied to claim 19, teaches wherein the screen display is a screen pop that includes session specific information collected from the caller's telephone

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number and wherein the screen display includes information gathered from a customer relationship manager database, (col. 8, lines 7-12)

**Regarding claim 21**, Dhir, as applied to claim 17, teaches wherein the computer telephony interface retrieves a call profile from a customer relationship management database, (col. 9, lines 7-12).

**Regarding claim 22**, Dhir, as applied to claim 21, teaches wherein an audio file is retrieved and played to the caller based on the call profile, (col. 9, line 59-col. 10, line 16).

**Regarding claim 26**, Dhir, as applied to claim 1, teaches wherein the incoming call is received from an Internet based communication device, (col. 5, lines 6-19).

**Regarding claim 28**, Dhir, as applied to claim 1, teaches wherein the incoming call is received from a first interactive voice response unit and is routed to a second interactive voice response unit, (fig. 1; col. 9, lines 36-58).

5. Claims 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Margolis US Patent Pub. 2003/0235287.

**Regarding claim 29**, Margolis teaches a method of communicating with an originator of a call, (abstract), the method comprising:

receiving a call at an automated call handling system, (paragraph 0022);

performing an evaluation of the call based on a set of business rules, (paragraphs 0023 and 0028);

routing the call to an interactive voice response unit based on the evaluation, (paragraphs 0023, 0028 and 0029);

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in response to the call, automatically scheduling and sending an email to the originator of the call, the email including a targeted communication message relating to the subject matter of the call, (paragraphs 0023 and 0031).

**Regarding claim 30**, Margolis, as applied to claim 29, teaches wherein the subject matter of the call includes a customer request and wherein the email includes information responsive to the customer request, (paragraph 0031).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 9, 23-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dhir in view of Margolis US Patent Pub. 2003/0235287.

**Regarding claim 9**, Dhir, as applied to claim 8, teaches wherein the distributed computer network interface is coupled to a computer network, wherein the computer network is the



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Internet. Dhir does not specifically teach the computer network is configured to communicate e-mail messages in response to the call routing module.

In the same field of endeavor, Margolis teaches wherein a computer network is configured to communicate electronic mail messages in response to a call routing module, (paragraphs 0031 and 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the call routing module message of Dhir to include e-mail messages as taught by Margolis so that the caller have a choice on how they want to receive their message.

***Regarding claims 23 and 24***, Dhir, as applied to claim 22, teaches everything as applied above, except wherein the audio file includes product information based upon the call profile.

In the same field of endeavor, Margolis teaches wherein an audio file includes product information targeted based upon the call profile and wherein the product information is derived from a product promotion and wherein the product information is targeted based on demographic information included in the call profile, (paragraph 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the audio file of Dhir to include product information as taught by Margolis so that the call center does not lose contact with the caller and so that the call center can have an effective tool for prompting business.

***Regarding claims 25 and 27***, Dhir, as applied to claim 1, does not specifically teach of using voiceXML or wherein the communication device is a SIP phone.

In the same field of endeavor, Margolis teaches wherein the voice converted data module is implemented using voiceXML and wherein the Internet based communication device is a SIP phone, (paragraph 0029).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify communication device of Dhir to include an SIP phone as taught by Margolis so that the user can communicate over the Internet with their phone.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dhir in view of Bushey et al. US Patent Pub. 2003/0026409.

***Regarding claim 13***, Dhir as applied to claim 12, teaches everything except that the plurality of automated call response destinations includes a billing, repair and a bill collection destination.

In the same field of endeavor, Bushey teaches wherein a plurality of automated call response destinations includes a billing destination, a repair destination, and a bill collection destination, (paragraphs 0031).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the automated call response options of Dhir to include billing and repair options as taught by Bushey so that callers can navigate through business centric menus.

***Regarding claim 14***, Dhir, as applied to claim 13, teaches wherein a call routed to at least one of the plurality of automated call response destinations is connected to an agent terminal such that the call is routed to a live agent at the call agent terminal, (col. 8, lines 28-39; col. 9, lines 1-12).

***Conclusion***

10. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

220 20<sup>th</sup> Street S.  
Crystal Plaza two, Lobby, Room 1B03  
Arlington, VA 22202

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262 (571-272-7537 After March 22, 2005). The Examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895 (571-272-7547 After March 22, 2005). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**

A handwritten signature in cursive script that reads "Ovidio Escalante".

Ovidio Escalante  
Examiner  
Group 2645  
February 3, 2005

O.E./oe